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United States of America

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GILDARDO PEREZ AVILEZ,  
  
Defendant.

CASE NO. 2:22-CR-00167-WBS  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
  
DATE: January 23, 2023  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 23, 2023.
2. By this stipulation, defendant now moves to continue the status conference until May 8, 2023 at 9:00 a.m., and to exclude time between January 23, 2023, and May 8, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) Counsel for defendant desires additional time review the discovery, meet with her client, conduct defense investigation, and otherwise prepare for trial.
  - b) Counsel for defendant believes that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective preparation, taking into

1 account the exercise of due diligence.

2 c) The government does not object to the continuance.

3 d) Based on the above-stated findings, the ends of justice served by continuing the  
4 case as requested outweigh the interest of the public and the defendant in a trial within the  
5 original date prescribed by the Speedy Trial Act.

6 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
7 et seq., within which trial must commence, the time period of January 23, 2023 to May 8, 2023,  
8 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
9 because it results from a continuance granted by the Court at defendant's request on the basis of  
10 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
11 of the public and the defendant in a speedy trial.

12 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
13 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
14 must commence.

15 IT IS SO STIPULATED.

16  
17 Dated: January 18, 2023

PHILLIP A. TALBERT  
United States Attorney

18  
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20 /s/ JUSTIN L. LEE  
JUSTIN L. LEE  
Assistant United States Attorney


21  
22 Dated: January 18, 2023

/s/ DINA SANTOS  
DINA SANTOS  
Counsel for Defendant  
GILDARDO PEREZ AVILEZ

**ORDER**

**IT IS SO FOUND AND ORDERED.**

Dated: January 18, 2023

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE